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7 IN THE UNITED STATES DISTRICT COURT
8 FOR THE WESTERN DISTRICT OF WASHINGTON
9 SEATTLE DIVISION

10 MARY WOESSNER, an individual,

11 Plaintiff,

12 v.

13 HOME DEPOT U.S.A., INC., a foreign
14 profit corporation, licensed do and doing
15 business in Washington,

16 Defendant.

CAUSE NO. 2:22-CV-00275-JHC

ORDER RE: DEFENDANT HOME DEPOT
U.S.A., INC.'S MOTIONS *IN LIMINE*

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18 THIS MATTER comes before the Court on Defendant Home Depot U.S.A., Inc.'s
19 Motions *in Limine*. Dkt. # 21. The Court has considered the materials filed in support of, and
20 in opposition to, the motions, as well as the rest of the case file and the applicable law.¹ Being
21 fully advised, the Court ORDERS as follows:

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26 ¹ No reply papers are to be filed in support of motions in limine. LCR 7(d)(4). Although the motions are noted for May 19, 2023, they are fully briefed, and the Court may now rule on them.

NO.	MATTER TO BE EXCLUDED	RULING
1.	All Parties Should be Required to Provide 24 Hours' Notice to Opposing Counsel of Their Intent to Call Witnesses at the Time of Trial [STIPULATED]	<input checked="" type="checkbox"/> Granted <input type="checkbox"/> Denied <input type="checkbox"/> Reserved
2.	Exclusion of All Non-Party Witnesses from the Courtroom During the Course of Trial [STIPULATED]	<input checked="" type="checkbox"/> Granted <input type="checkbox"/> Denied <input type="checkbox"/> Reserved
3.	Prohibition of Display of Any Exhibit or Demonstrative Evidence until the Exhibit Has Been Shown to Opposing Counsel and Permission by the Court Has Been Obtained to Use Any Such Exhibit [STIPULATED]	<input checked="" type="checkbox"/> Granted <input type="checkbox"/> Denied <input type="checkbox"/> Reserved
4.	Prohibition of Discussion or Comments on the Presence of the Parties or Available Witnesses Not Called to Testify at Trial [STIPULATED]	<input checked="" type="checkbox"/> Granted <input type="checkbox"/> Denied <input type="checkbox"/> Reserved
5.	Duty to Inform Witnesses of Motion <i>in limine</i> Orders Relevant to Them [STIPULATED]	<input checked="" type="checkbox"/> Granted <input type="checkbox"/> Denied <input type="checkbox"/> Reserved
6.	Exclusion of Evidence of or Reference to Home Depot's Size, Corporate Structure, Revenue or Ability to Pay [DISPUTED]	<input checked="" type="checkbox"/> Granted <input type="checkbox"/> Denied <input type="checkbox"/> Reserved
7.	Prohibition of References to Litigation Strategy, Tactics, or Motions [DISPUTED]	<input type="checkbox"/> Granted <input type="checkbox"/> Denied <input checked="" type="checkbox"/> Reserved
8.	Prohibition of Requests for a Witness to Comment on the Credibility of Other Witnesses [STIPULATED]	<input checked="" type="checkbox"/> Granted <input type="checkbox"/> Denied <input type="checkbox"/> Reserved
9.	Exclusion of Evidence Regarding Insurance [STIPULATED]	<input checked="" type="checkbox"/> Granted <input type="checkbox"/> Denied <input type="checkbox"/> Reserved
10.	Exclusion of References to Settlement Discussions and Offers [STIPULATED]	<input checked="" type="checkbox"/> Granted <input type="checkbox"/> Denied <input type="checkbox"/> Reserved
11.	Exclusion of Questioning at Voir Dire Regarding Specific Dollar Amounts or Ability to Commit to a Particular View or Position [DISPUTED]	<input type="checkbox"/> Granted <input type="checkbox"/> Denied <input checked="" type="checkbox"/> Reserved
12.	Prohibition of "Golden Rule" Arguments [STIPULATED IN PART]	<input checked="" type="checkbox"/> Granted <input type="checkbox"/> Denied

		<input type="checkbox"/> Reserved
13.	Exclusion of Testimony and Argument Which Essentially Seek Punitive Damages [DISPUTED]	<input checked="" type="checkbox"/> Granted <input type="checkbox"/> Denied <input type="checkbox"/> Reserved
14.	Exclusion of Prior Lawsuits Involving Home Depot Unrelated to this Matter [DISPUTED]	<input type="checkbox"/> Granted <input type="checkbox"/> Denied <input checked="" type="checkbox"/> Reserved
15.	Exclusion of Any Exhibits of any Laws or Regulations [DISPUTED]	<input type="checkbox"/> Granted <input type="checkbox"/> Denied <input checked="" type="checkbox"/> Reserved
16.	Exclude Any and All Evidence Offered By Any Witness Purporting To State a Legal Requirement or Violation of Any Government or Code Requirement be Deemed Inadmissible [DISPUTED]	<input type="checkbox"/> Granted <input type="checkbox"/> Denied <input checked="" type="checkbox"/> Reserved
17.	Exclusion of Opinions from Lay Witnesses Including Opinions Regarding Standard of Care, Causation and Medical Assessment [DISPUTED]	<input type="checkbox"/> Granted <input type="checkbox"/> Denied <input checked="" type="checkbox"/> Reserved
18.	Prohibition of References to Legal Conclusions Regarding "Fault" or "Duty of Care" During Examination of Witnesses [DISPUTED]	<input type="checkbox"/> Granted <input type="checkbox"/> Denied <input checked="" type="checkbox"/> Reserved
19.	Legal Conclusions from Experts [DISPUTED]	<input checked="" type="checkbox"/> Granted <input type="checkbox"/> Denied <input type="checkbox"/> Reserved
20.	Exclusion of Testimony and/or Opinions of Plaintiff's Health Care Providers [DISPUTED]	<input type="checkbox"/> Granted <input type="checkbox"/> Denied <input checked="" type="checkbox"/> Reserved
21.	Exclusion of any Testimony and Evidence from David Spanier, M.D. regarding permanence of Plaintiff's injuries [DISPUTED]	<input type="checkbox"/> Granted <input checked="" type="checkbox"/> Denied <input type="checkbox"/> Reserved
22.	Exclusion of any Testimony and Evidence from Levi Dixon, M.S., CSLT Which Exceeds his Scope of Expertise and/or Report [DISPUTED]	<input type="checkbox"/> Granted <input checked="" type="checkbox"/> Denied <input type="checkbox"/> Reserved
23.	Exclusion of Evidence of Subsequent Remedial Measures [DISPUTED]	<input checked="" type="checkbox"/> Granted <input type="checkbox"/> Denied <input type="checkbox"/> Reserved
24.	Exclusion of Any Testimony or Reference to the Cost of Bird Mitigation Alternatives, Specifically Netting [DISPUTED]	<input type="checkbox"/> Granted <input checked="" type="checkbox"/> Denied

25.

	<input type="checkbox"/> Reserved
Exclusion of Any Testimony or Reference to Bird Droppings Being the Cause of Plaintiff's Fall [DISPUTED]	<input type="checkbox"/> Granted <input checked="" type="checkbox"/> Denied <input type="checkbox"/> Reserved

DATED this 16th day of May, 2023 in Seattle, Washington.



JOHN H. CHUN
UNITED STATES DISTRICT JUDGE